

## **REMARKS/ARGUMENTS**

### **1.) Claims**

Claims 1-4, 6-15 and 17-19 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 1-4, 6-15 and 17-19 under 35 U.S.C. § 102(e) as being anticipated by Rajaram (US 6,918,108). Applicant respectfully traverses Examiner's reasoning and conclusion that the file system section (FSS) disclosed in Rajaram is equivalent to the interface component (aka middleware (MW)) as claimed in claims 1-4, 6-15 and 17-19 of the present application. There are no similarities between a file system and the claimed interface component, hence the assertion of equivalence is not appropriate.

First, Rajaram discloses a method for field diagnosing and updating system software in a wireless communications device. It is not directed to testing a mobile terminal. The method of Rajaram comprises: executing system software; launching a run-time engine; receiving patch manager run time instructions (PMRTI), including dynamic instruction sets and new code sections, in a *file system section* nonvolatile memory, and, processing dynamic instruction sets to field diagnose the system software.

Notably, Rajaram refers to, and explains the FSS as a regular file system as updated code sections can be stored in it (See col. 2, lines 32-39). Significantly, there is no such storage means or functionality in the interface component (e.g., middleware) as claimed in the present application. The present application refers to the interface component as follows:

The interface component 26 preferably includes a middleware services layer 28. The middleware services layer 28 includes one or more application programming interface (API) options for development of specific user applications. These APIs may include standardized (non-native) interfaces, de facto standard interfaces, and/or open native interfaces. For example, a standardized interface might include the JAVA

2 Micro Edition (J2ME) environment according to Mobile Information Device Profile/Connected Limited Device Configuration (MIDP/CLDC). As will be described hereinafter, the middleware services layer 28 also functions to isolate the assembly from user applications via the one or more interfaces. (see p. 7, lines 1-9)

Thus, Rajaram fails to disclose the claimed invention. Therefore, the allowance of claims 1-4, 6-15 and 17-19 is respectfully requested.

### 3.) **Prior Art Not Relied Upon**

In paragraph 4 of the Office Action, the Examiner stated that prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. Neither of the cited references Stricklin nor Yambe anticipate the present invention as set forth in the pending claims, nor do the cited references in combination suggest the present invention as set forth in the pending claims.

### **CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims 1-4, 6-15 and 17-19 currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-4, 6-15 and 17-19.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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